

**BROKEN ARROW CITY COUNCIL  
AGENDA  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012**

**February 3, 2009**

**6:30 PM**

- 1. Call to Order**
- 2. Invocation**
- 3. Roll Call**
- 4. Pledge of Allegiance to the Flag**
- 5. Consideration of Consent Agenda**
  - A. Approval of the regular meeting minutes of January 20, 2009
  - B. Acceptance of the minutes of the Planning Commission meeting held January 8, 2009
  - C. Approval of Amended City Meeting Calendar for year 2009
  - D. Approval of and authorization to execute Resolution No. 567 - a resolution authorizing the City Attorney to agree to entry of judgment in the case of The City of Broken Arrow, Oklahoma v. Troy Dwight Cosper, et al., Tulsa County District Court Case Number CJ-2007-6992 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement including a Journal Entry for the Court's approval
  - E. Approval of and authorization to execute Resolution No. 568 - a resolution authorizing the City Attorney to agree to entry of judgment in the case of The City of Broken Arrow, Oklahoma v. Tommy L. Donathan, et al., Tulsa County District Court Case Number CJ-2007-7894 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement including a Journal Entry for the Court's approval
  - F. Approval of and authorization to execute Resolution No. 569 - a resolution authorizing the City Attorney to agree to entry of a judgment in the case of The City of Broken Arrow, Oklahoma v. Stacy L. Heller, et al., Tulsa County District Court Case Number CJ-2007-7893 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement including a Journal Entry for the Court's approval
  - G. Approval of and authorization to execute Resolution No. 570 - a Resolution of Necessity to condemn property located at 5700 South Lynn Lane, Broken Arrow, Tulsa County, Oklahoma (9th Street Widening Albany Street to Omaha Street)
  - H. Approval of authorization to receive funds acquired through forfeiture regarding drug enforcement
  - I. Approval of and authorization to execute the Addendum to Community Development Block Grant Program Land Acquisition Agreement between the City of Broken Arrow and Vintage Housing, Inc., which extends the date of closing on the property being purchased
  - J. Approval of and authorization to execute an option to renew the Cold Milling Asphalt Streets Contract No. ST0801A between the City of Broken Arrow and Bell Contracting, Inc.

- K. Ratification of a contract between the City of Broken Arrow and Two T's Broken Arrow, LLC for excess capacity sanitary sewer improvement to a 68-acre site located at the northeast corner of East Kenosha (71st Street) and North 37th (209th) Street
- L. Approval of and authorization to execute a contract with The Deatherage Association, LLC to provide specialized expertise in the fields of fire protection and life safety for the plan review process
- M. Approval to reject all bids for the Nuisance Abatement and Structural Securing Bid No. 09-114 and specifically find that the interest of the citizens of Broken Arrow will be served by rejection
- N. Approval of PT08-114, Conditional Final Plat of Oneta Square, 2.41 acres, 1 lot, CH, east of the northeast corner of State Highway 51 and Oneta Road (241st East Avenue)
- O. Abrogation of PUD 138, 13.78 acres, 6 lots, CG, south and east of the southeast corner of Elm Place (161st East Avenue) and Tucson Street (121st Street)
- P. Approval of SP 229, Oliver Middle School and Wolf Creek Elementary School, 40 acres, A-1, one-quarter to one-half mile east of the northeast corner of Olive Avenue (129th East Avenue) and New Orleans Street (101st Street)
- Q. Approval of SP 230, Floral Haven Cemetery and Funeral Home, 98.42 acres, A-1 and R-1, north and west of the northwest corner of Olive Avenue (129th East Avenue) and Kenosha Street (71st Street)
- R. Acceptance of a Detention Easement from Broken Arrow Board of Education School District No. 3 (S21 T18N R14E) (Project: Wolf Creek Elementary Expansion DN08-178)
- S. Acceptance of a Deed of Dedication and a Utility Easement from GT Veterinary Associates, LLC, d/b/a Arrow Springs Animal Hospital (S26 T18N R14E) (Project: Arrow Springs Animal Hospital DN08-127)
- T. Approval of the Claims List

**6. Consideration of Items Removed from Consent Agenda**

**7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths**

- A. None

**8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (approximately 7:00 p.m.)**

**9. General Council Business**

- A. Consideration and acceptance of City of Broken Arrow Audit Report for Fiscal Year 2007-2008
- B. Consideration of and possible approval to send corrected Stormwater invoices to affected customers
- C. Consideration of and possible approval to move Spring Clean-Up Day from the Maintenance Center to the landfill, add a Fall Clean-Up Day, and locate a green waste site
- D. Consideration, possible approval of and authorization to execute Resolution No. 565 - a resolution prescribing the principal amount of bonds to be issued, establishing the principal

amount of bonds to mature each year, establishing the time and place said bonds are to be sold, and authorizing the Clerk to give notice of said sale as required by law; ratifying and confirming a Legal Services Agreement and a Financial Advisor Services Agreement with respect to the issuance of such bonds and approving the Preliminary Official Statement pertaining thereto; and authorization for the Mayor to execute the resolution

- E. Consideration, possible approval of and authorization to execute Resolution No. 566 - a resolution prescribing the principal amount of bonds to be issued, establishing the principal amount of bonds to mature each year, establishing the time and place said bonds are to be sold, and authorizing the Clerk to give notice of said sale as required by law; ratifying and confirming a Legal Services Agreement and a Financial Advisor Services Agreement with respect to the issuance of such bonds and approving the Preliminary Official Statement pertaining thereto

**10. City Manager's Report**

- A. Downtown Survey

**11. Preview Ordinances**

- A. None

**12. Ordinances**

- A. None

**13. Remarks and Inquiries by Governing Body Members**

- 14. Executive Session** for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on litigation concerning City of Broken Arrow v. Kyle E. and Rebecca Carol Hunt, et al., Tulsa County District Court Case Number CJ-2008-7326, all under 25 O.S. § 307(B)(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

**15. Adjournment**

**NOTICE:**

All cell phones and pagers must be turned OFF or operated SILENTLY during Council meetings.

Exhibits, petitions, pictures, etc., presented to the authority shall be received and deposited in case files to be kept at the Broken Arrow City Hall.

If you are a person with a disability and need some accommodation in order to participate in this meeting, please contact the City Clerk at 918-259-2400 Ext. 5418 to make arrangements.

POSTED this \_\_\_\_ day of \_\_\_\_\_, 2009, at \_\_\_\_\_ a.m./p.m.

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City Clerk